

REMARKS

Claims 1-5 are pending in the application. In the final Office Action dated December 2, 2008, the Examiner made the following disposition:

- A.) Rejected claims 1, 2, and 5 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Chatzandroulis* in further view of *Wolf*.
- B.) Rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Lin* or *Schmid*.

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

- A.) Rejection of claims 1, 2, and 5 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view *Chatzandroulis* in further view of *Wolf*:

Applicant respectfully disagrees with the rejection.

Independent claim 1 now recites a method for manufacturing a micromachine including the step of performing a film-formation treatment by sputtering at a reduced pressure following the sacrifice-layer etching so as to form a sputtering layer that seals the penetrating hole and is formed in to a wiring layer.

Nowhere does *Bruner* disclose anything pertaining to performing a film-formation treatment by sputtering at a reduced pressure following the etching of a sacrifice-layer so as to form a sputtering layer that seals a penetrating hole and is formed in to a wiring layer. Instead, *Bruner* merely discloses sealing trenches in a substrate only and does not disclose forming a wiring layer. See, U.S. Pat. Pub 2005/0221528, Para. [0046].

Chatzandroulis discloses depositing a metal contact into a cavity which is then used as a wiring layer. See, U.S. Pat. No. 6,704,185, Col. 8, l. 1-15. Nowhere does *Chatzandroulis* disclose anything pertaining to performing a film-formation treatment by sputtering at a reduced pressure following the etching of a sacrifice-layer so as to form a sputtering layer that seals a penetrating hole and is formed in to a wiring layer.

Wolf is directed to the use of aluminum in VLSI and does not disclose anything pertaining to a micromachine, much less performing a film-formation treatment on a micromachine.

As Applicant's specification discloses, by performing a film-formation treatment by sputtering at a reduced pressure following the etching of a sacrifice-layer so as to form a sputtering layer that seals a penetrating hole and is formed in to a wiring layer, the micromachine

can be sealed without the application of an insulating layer. See, Specification, Page 15, l. 5-15. Further, since the sealing and forming of wires is performed in the same step, the efficiency of the manufacturing process is improved. See, Specification, Page 15, l. 16-24.

Therefore, because *Bruner*, *Chatzandroulis*, and *Wolf* or any combination of them fails to disclose or even fairly suggest each element of claim 1, the rejection of claim 1 cannot stand. Because claims 2 and 5 depend, either directly or indirectly from claim 1, they are allowable for at least the same reasons.

B.) Rejection of claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Lin* or *Schmid*:

Applicant respectfully disagrees with the rejection.

Claim 1 is allow able over *Bruner* as discussed above. *Lin* and *Schmid* each fails to teach or suggest forming a film-formation treatment at a reduced pressure following a sacrifice-layer etching so as to form a wiring layer that seals a penetrating hole. Therefore, *Bruner* in view of *Lin* or *Schimd* still fails to disclose or suggest claim 1.

Claims 3 and 4 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-5 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

By: David R. Metzger/

David R. Metzger

Registration No. 32,919

SONNENSCHNEIDER NATH & ROSENTHAL LLP

P.O. Box 061080

Wacker Drive Station, Sears Tower

Chicago, Illinois 60606-1080

(312) 876-8000